



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

October 21, 2020

ELECTRONIC EMAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Mr. Derek Green
Plant Manager
5112 Lower Wetumpka Rd
Montgomery, Alabama 36110
dagreen@lkqcorp.com

Re: Information Request Pursuant to Section 308 of the Clean Water Act
National Pollutant Discharge Elimination System General Permit No.: ALG180858
LKQ Southeast, Inc.

Dear Mr. Green:

The U.S. Environmental Protection Agency, Region 4 and Alabama Department of Environmental Management (ADEM) are planning to perform joint Compliance Evaluation Inspections at industrial facilities in Alabama during FY21. One of the facilities under consideration is the LKQ Southeast, Inc. salvage yard located at 5112 Lower Wetumpka Rd, Montgomery, Alabama. The purpose of EPA's inspection is to evaluate the Montgomery salvage yard's compliance with the requirements of sections 301 and 402(p) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1342(p); the regulations promulgated thereunder at 40 Code of Federal Regulations (C.F.R.) § 122.26; and the ADEM's National Pollution Discharge Elimination System (NPDES) General Permit for *Discharges Associated with the salvage and recycling industry consisting of storm water, non-contact cooling water, water tower and boiler blowdown, demineralizer wastewater, exterior vehicle and equipment wash water, and storm water from petroleum storage and handling and equipment storage and maintenance areas* General Permit No. ALG180000 (Permit). Prior to a potential inspection, the EPA plans to perform a records review for the facility.

The EPA's stormwater regulations, set forth at 40 C.F.R. § 122.26(c), require dischargers of stormwater associated with industrial activities, as defined in § 122.26(b)(14)(vi) to obtain coverage under an NPDES stormwater permit and comply with the terms and conditions of the permit.

Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that you provide the information set forth in Enclosure A within fourteen (14) calendar days of your receipt of this letter. Answer each question as clearly and completely as possible.

The response should be sent via email or mailed to:

Mr. Ahmad Dromgoole
Water Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
dromgoole.ahmad@epa.gov

Responses to this information request should specifically reference the particular section and number of the request and should be organized for the purpose of clarity. In addition, all information submitted must be accompanied by the following certification signed by a responsible company official in accordance with 40 C.F.R. § 122.22:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Failure to comply with this information request may result in enforcement proceedings under section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information, under 18 U.S.C. § 1001.

If you believe that any of the requested information constitutes confidential business information, you may assert a confidentiality claim with respect to such information except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

If you have questions regarding this notice and information request, please contact Mr. Ahmad Dromgoole at (404) 562-9212 or by email at dromgoole.ahmad@epa.gov.

Sincerely,

Mary Jo Bragan, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Ms. Daphne Y. Lutz
Alabama Department of Environmental Management
dlutz@adem.alabama.gov

ENCLOSURE A
REQUEST FOR INFORMATION PURSUANT TO SECTION 308

Instructions

1. Identify the person(s) responding to this Information Request.
2. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
3. Precede each answer with the text and the number of the question and its subpart to which the answer corresponds.
4. All documents submitted must contain a notation indicating the question and subpart of the question to which they are responsive.
5. In answering each Information Request, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
6. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA thereof as soon as possible.
7. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Request to which it responds.
8. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
9. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
10. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
11. All documents provided in an electronic format should be compatible with .pdf.
12. All spreadsheet information should be in electronic format and compatible with MS Excel.
13. Information shall be provided for all companies, all subsidiaries, resources groups, or other corporate entities. Thus, the response to each question concerning the company's activities should reflect

information regarding each and every entity.

Definitions

1. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
2. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
3. The terms “And” and “Or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
4. The term “Identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
5. The term “Identify” means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.
6. The term “Identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term “Site” shall mean the LKQ Southeast, Inc salvage yard located at 5112 Lower Wetumpka Rd, Montgomery, Alabama.
8. The term “You” and “Your” shall mean LKQ Birmingham and/or any company, entity, or corporation that has directed work at the Site.
9. The term “NPDES” or “NPDES Permit” shall mean National Pollutant Discharge Elimination System permit or any state permit (i.e., NPDES), issued pursuant to the Clean Water Act, including but not limited to General Permit No. ALG180000.
10. The term “Discharge” shall mean the addition of any pollutant to navigable waters; i.e., surface water sources ditches, or streams.
11. The term “Stormwater” means any runoff generated when precipitation from rain or snowmelt events flows over land or impervious surfaces and does not percolate into the ground.

Questions

1. Identify the names and addresses of all current owner(s) and/or operator(s) of the Site. Specify the legal name with the exact spelling of each owner and/or operator. Provide the mailing address and phone number for each owner and/or operator. Specify the state of incorporation and principal place of business for each corporate owner and/or operator. If incorporated, provide the name and mailing address of the registered agent for each state in which business is conducted.
2. In response to ongoing concerns with Covid 19, what additional safety measures are being implemented at the facility for site entry?
3. Provide the most current Best Management Practices ("BMP") Plan required under Parts II(B)(2) and IV of the Permit. Include with the plan the date of the original BMP plan and the dates of plan updates/modifications.
4. The most current Spill Prevention, Control, and Countermeasures (SPCC) plan required under Part II(B)(2) and IV(A) of the permit.
5. Provide the names, mailing addresses, and phone numbers for any and all persons responsible for the day to day implementation of the BMP Plan and/or any and all pollution control measures at any time from October 2017 to the present.
6. Copies of the following documents and information in chronological order from October 2017 to the present:
 - a. Records and logs of routine facility inspections of outfalls, BMPs, and petroleum handling areas required under Parts I(A) and IV(A) of the Permit. If routine facility inspections have not been conducted and documented, explain why they were not conducted or documented.
 - b. Records and logs of corrective actions taken in response to the routine inspections as required under Parts I(A) and IV(A) of the Permit. If Corrective Action have not been conducted and documented, explain why they were not conducted or documented.
 - c. Periodic monitoring reports for the discharge monitoring required under Part I of the Permit. This includes, but is not limited to, the reported monitoring results and noncompliance notifications. If monitoring has not been conducted and documented, explain why they were not conducted or documented.
 - d. Records and reports of reportable bypasses and upsets as required under Part II(D) of the Permit.
 - e. Records and/or submittals pertaining to any permit transfers, modifications, suspension, revocation, reissuance, and termination of discharges from the Site as required under Parts II(A) and II(F) of the Permit.
 - f. Records of training for facility personnel responsible for the implementation of BMPs at the Site as required under Part IV(A)(4)(c) of the Permit.
 - g. Records of housekeeping measures and preventative maintenance measures performed under the Site's BMP Plan to prevent and/or minimize storm water contact with pollutants at the facility.
 - h. Diagrams of the facility showing the direction of the storm water flow, the discharge point(s), and the locations of any structures or other mechanisms intended to prevent pollution of stormwater or to remove pollutants from stormwater.

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS (40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.